

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JEFFREY A. SMOLINSKI,

Defendant.

8:07CR441

ORDER

This matter is before the court on the motion of the defendant for modification of conditions of his supervised release (Filing No. 57); Order denying defendant's motion to modify, without prejudice (Filing No. 59); and text order (Filing No. 64). The conditions of supervision previously imposed on the defendant no longer conform in part to current Eighth Circuit law or the current standard special terms of supervision imposed for similar offenses. The court finds the conditions of release should be modified. Accordingly,

IT IS ORDERED:

1. The defendant's special conditions of supervision paragraphs 6, 8 and 13 are modified as follows:

6. The defendant shall not loiter within 500 feet of schools, school yards, parks, arcades, playgrounds, amusement parks, or other places used primarily by children under the age of 18 unless approved in advance and in writing by the probation officer.

8. The defendant shall not access, view or possess any material depicting sexually explicit conduct by "minors" or other "child pornography" as those terms are defined in 18 U.S.C. § 2256.

13. The defendant is prohibited from accessing, using or publishing any material which contains images, data, or other material relating to explicit sexual conduct by "minors" or other "child pornography" as defined in 18

U.S.C. § 2256. The defendant will sign any and all releases as it relates to service providers of the Internet and cell phone carriers. The offender shall submit/consent to random monitoring, including the confiscation for the purpose of facilitating said monitoring, of computer and telephone hardware and software, as directed by the USPO with or without the cooperation of law enforcement.

2. No other conditions are modified. To the extent the defendant's motion requests additional modification of his supervised release, it is overruled.

DATED this 4th day of March, 2013.

BY THE COURT:

s/ Joseph F. Bataillon
United States District Judge